

Pro Leg

	UNCLASSIFIED		CONFIDENTIAL		SECRET
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EXECUTIVE SECRETARIAT (O/DCI)

Routing Slip

TO:		ACTION	INFO	DATE	INITIAL
1	DCI		✓		
2	DDCI		✓		
3	DD/RM				
4	DD/NFA				
5	DD/CT				
6	DD/A				
7	DD/O				
8	DD/S&T		✓		
9	GC		✓		
10	LC	✓			
11	IG				
12	Compt				
13	D/PA				
14	D/EEO				
15	D/Pers				
16	AO/DCI				
17	C/IPS		✓		
18	ES		✓		
19					
20					
21					
22					

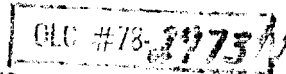
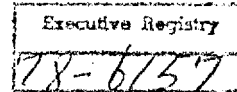
SUSPENSE DATE:

Remarks:

*TO 10 - In coordination with GC
please prepare DCI response
as requested in para 3.*



25X1



17 AUG 1978

MEMORANDUM FOR THE RECORD

SUBJECT: Telephone Conversation with Attorney General Bell,
17 August 1978

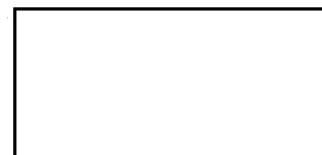
1. The Attorney General agreed that our OLCs should get together and schedule the meeting between him, myself, Boland, Aspin and Wilson.
2. On the language put in the Justice Department appropriations bill by the SAC, the Attorney General has no objection to our continuing to work with Senator Hollings. He says our OLCs should work together also to get that taken out in conference.
3. On the Agee legislation, he says that his man at the hearings in the House Select Committee yesterday made an improper statement that we could not sue. He's having that reviewed right now with the thought that we perhaps can sue. I told him also I'd be sending him a letter with some thoughts as to how we could proceed on the legislative route here.


STANSFIELD TURNER
Director

25X1

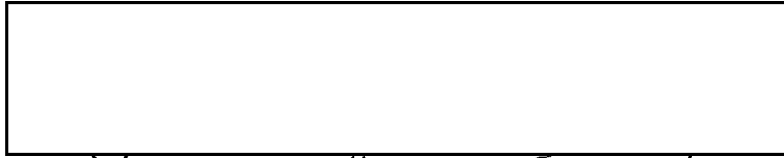


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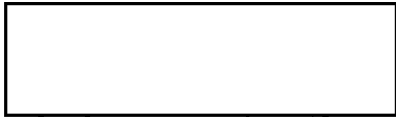
In touch with



Waiting for Justice
language

25X1

9/1

Called , OGC,
to ask of status of Justice Dept.
getting back in touch with
us re "Age Legislation". I
told g.c. I was trying to follow
up on action item #3 on
OLC #78-2973/1 - of 17 Aug 78.
g.c. told me that letter had
been sent! See attach-
ments → no consideration of
OLC.

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Approved For Release 2004/05/05 : CIA-RDP81M00980R000700110041-8

Office of the Attorney General

Washington, D. C. 20530

August 25, 1978

Executive Registry

7-23-78/1
OFC 78-574

8-29-78

Admiral Stansfield Turner
Director
Central Intelligence Agency
Washington, D. C. 20505

Dear Admiral Turner:

In response to your letter to the Attorney General of August 17, 1978, the Attorney General asked me to send you a copy of his directive to the Assistant Attorney General for the Office of Legal Counsel. As you requested, the Attorney General asked John Harmon to direct an interagency effort to draft legislation dealing with the problem of unauthorized disclosure of the identities of United States intelligence officers.

The Attorney General agrees with you that this matter should be handled expeditiously. John Harmon will contact your counsel's office about this matter soon.

Best regards.

Sincerely,

Frederick D. Baron
Special Assistant to the
Attorney General

cc: The Attorney General
Assistant Attorney General, Office of Legal Counsel

WARRANT TO
ATTORNEY GENERAL

Approved For Release 2004/05/05 : CIA-RDP81M00980R000700110041-8

62-78-5806
8-31-78



Attorney General

Washington, D.C. 20530

4, 1978

To: General Counsel's office
CIA

Attached is the copy of
the Attorney General's
directive that was not
attached to Frederick Baron's
letter to Admiral Turner
dated 8/25/78.

on
Attorney General
Legal Counsel

11
Legal

GBB

Re: DCI Request

request in the attached letter
regarding someone in your office
to draft legislation dealing
with disclosure of the
intelligence officers. Your office
in the Criminal Division on this
subjective from the Criminal
division drafting effort.

Handled expeditiously. Please
no later than September 8.

cc: Philip B. Heymann
Assistant Attorney General
Criminal Division

8-31-78



Office of the Attorney General

Washington, D. C. 20530

August 24, 1978

MEMORANDUM TO: John M. Harmon
Assistant Attorney General
Office of Legal Counsel

FROM : Griffin B. Bell **GBB**
Attorney General

SUBJECT : Leak Legislation: DCI Request

Please respond to the request in the attached letter from Admiral Turner by designating someone in your office to direct an interagency effort to draft legislation dealing with the problem of unauthorized disclosure of the identities of U. S. intelligence officers. Your office should consult closely with the Criminal Division on this project and invite a representative from the Criminal Division to participate in the drafting effort.

This matter should be handled expeditiously. Please report to me on your progress no later than September 8.

cc: Philip B. Heymann
Assistant Attorney General
Criminal Division

Washington, D.C. 20530

17 AUG 1972

Honorable Griffin B. Bell
Attorney General
Department of Justice
Washington, D. C. 20530

Dear Griffin:

I am writing to urge your support of a limited legislative initiative having as its objective protection under law of a narrow category of national security information that I believe to be inadequately protected by existing statutes. The category of information to which I refer consists of classified information concerning the identity of CIA officers or agents, and their relationships with CIA. I am sure you will agree that this sort of information ranks close to the top on any sensitivity scale, and that it is at the innermost core of what must be protected against disclosure if an effective clandestine intelligence service is to be maintained.

I am not suggesting of course that there are no existing laws dealing with the unauthorized disclosure of this category of information. I am satisfied, for example, that in classic espionage situations, where the information is communicated in a clandestine fashion to an agent of a foreign power, the conduct is punishable under 18 U.S.C. §794. However, equally damaging effects occur where the information is published in an attributed article or book, or otherwise placed in the public domain by persons not necessarily engaged in clandestine intelligence activities. It is in these latter situations that the law is weak and unclear at best and altogether inapplicable at worst.

The recent actions of Philip Agee make a particular distressing case in point. As you know, Mr. Agee has made a practice over the last few years of exposing Agency personnel and operations whenever and wherever possible. He is now involved in the publication of a second book, Dirty Work: The CIA in Western Europe, which according to its advance promotions will include "detailed biographies of more than 700 undercover CIA and NSA personnel lurking in embassies

(EXECUTIVE REGISTRY FILE

A-21

and military installations in virtually every corner of the
earth. He has also been instrumental in the formation of a
group that intends to publish a new periodical known as the
"Covert Action Information Bulletin." It is evident from
the first issue of this journal, dated July 1978, that the
purpose is not merely criticism of CIA, which is certainly a
protected form of speech, but also a systematic disclosure
of the names of Agency personnel, which in my view is a form
of speech that Congress can properly regulate, at least to
the extent of legislating criminal sanctions that would be
clearly applicable following an unauthorized act of publi-
cation. A copy of this first issue is enclosed for your
review.

I deeply appreciate the personal consideration that you
gave to the question of obtaining an order restraining the
publication of Dirty Work. I also appreciate the fact that
you have referred the entire matter to the Criminal Division.
Here again, however, the trouble is that the available legal
tools are very probably inadequate. I am told that the only
two statutes that arguably cover the conduct involved are 18
U.S.C. §793(d) and (e), and that the applicability of these
statutes is highly questionable.

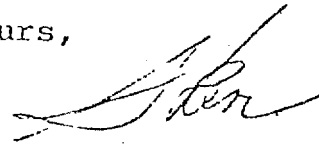
There is reason to believe that the Congress would be
responsive to a narrow piece of anti-disclosure legislation,
if the Administration were to bring forward an appropriate
agreed proposal. A readiness to consider such a proposal
was evident yesterday at an informal hearing before the
House Permanent Select Committee on Intelligence attended by
members of your staff. In addition, a bill introduced in
1977 by Senator Bentsen, S. 1578, a copy of which is enclosed,
has attracted a good deal of sympathetic attention in light
of Mr. Agee's recent ventures.

One idea, and certainly the simplest one, would be to
propose an amendment to an existing statute, namely, 18
U.S.C. §798. As you are aware, that statute was enacted
without controversy in 1950. It proscribes the unauthorized
disclosure, including publication, of classified information
concerning cryptographic systems, cryptographic or communi-
cations intelligence equipment, or communications intelli-
gence activities. I am enclosing a marked-up copy of this
statute showing one way in which it might be amended in
order to extend its coverage to the narrow category of
additional information that is my greatest immediate con-
cern. There are of course alternative ideas, such as
Senator Bentsen's bill or some modified version of that
bill. Obviously there is room for divergent views as to
the best approach, but I think it is critically important
that we face and resolve any differences and put forward a
concrete Administration proposal.

Q:
* do we
have this?

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Yours,



STANSFIELD TURNER

Enclosures

cc: Assistant to the President
for National Security Affairs

Secretary of State

[REDACTED]



Director, Office of Management
and Budget

ILLEGIB